

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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: Case No. 09-160 (ERK)(JO)  
IN RE: HOLOCAUST VICTIM ASSETS :  
LITIGATION : (Consolidated with CV 96-4849,  
: CV 96-5161 and CV 97-461)  
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: This Document Relates to: All Cases :  
: ORDER  
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★ MAR 15 2012 ★

BROOKLYN OFFICE

KORMAN, J.:

Upon review and consideration of the February 2, 2012 letter of the Executive Director of the Victim List Project requesting with the approval of the Special Master and the Deputy Special Master the administrative expense budget for the Victim List Project for the period January 1, 2012 through June 30, 2012, it is hereby

ORDERED that the request of the Executive Director of the Victim List Project, described in the letter annexed hereto for a total administrative budget of \$85,275 for the period of January 1, 2012 through June 30, 2012 is approved for the administration of the Victim List Project (described as the "Victim List Foundation" in the Plan of Allocation and Distribution of Settlement Proceeds approved by the Court on November 22, 2000), a mechanism under the Court's direction to encourage and help organize the compilation and greater accessibility worldwide of the names of individuals whom the Settlement Agreement is intended to benefit—Jewish, Romani, Jehovah's Witness, homosexual, and disabled victims or targets of Nazi persecution, those who perished and those who survived. The Signatories to the Settlement Fund are hereby directed to transfer immediately \$85,275 from the Settlement Fund to the Conference

on Jewish Material Claims Against Germany, which serves the Court's agents for purposes of administration of the Victim List Project.

Dated: Brooklyn, New York  
March 12, 2012

SO ORDERED:

s/Edward R. Korman

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Edward R. Korman  
United States District Judge

**Dr. Wesley A. Fisher**  
***Executive Director***  
**Victim List Project**  
**Holocaust Victim Assets Litigation**  
**Case No. CV 96-4849**

C/o Conference on Jewish Material Claims Against Germany, Inc.  
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New York, NY 10018  
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96 CV 5161

March 7, 2012

Hon. Edward R. Korman  
Chief Judge  
United States District Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

Dear Judge Korman:

I am submitting a request a) for approval of an administrative budget of \$85,275 for the period of January 1, 2012 – June 30, 2012 for the Victim List Project; and b) for the transfer of the \$85,275 from the Settlement Fund to the Conference on Jewish Material Claims Against Germany for the administration of the Victim List Project during 2012.

This request has been reviewed and approved by Special Master Gribetz and Deputy Special Master Reig. As the Court is aware, the Victim List Project (described as the “Victim List Foundation” in the Plan of Allocation and Distribution of Settlement Proceeds approved by the Court on November 22, 2000) is intended as a mechanism under the Court’s direction to encourage and help organize the compilation and greater accessibility worldwide of the names of individuals whom the Settlement Agreement is intended to benefit – Jewish, Romani, Jehovah’s Witness, homosexual, and disabled victims or targets of Nazi persecution, those who perished and those who survived.

Continuing good progress as a result of several factors – the allocations to date to Yad Vashem and the United States Holocaust Memorial Museum, systematization and indexing of the large collections of the International Tracing Service, innovative procedures for engaging the assistance of the public in the digitization of individual names, and the involvement of additional funding sources – has been made during 2011 towards the Court’s ultimate goals for the Victim List Project. Moreover, during 2011 there has been considerable progress towards the archiving of the records of the Swiss Banks Settlement itself. I have previously reported on the specific activities under the Victim List Project and look forward to doing so in more detail in future – the following are observations on some specific aspects of the Victim List Project at the present time.

***A) Identification of lists of names and acquisition of large-scale name documentation:***

During 2011, Yad Vashem and the United States Holocaust Memorial Museum continued their work on the worldwide catalog of all known archival and testimonial sources of the names of those who perished and of survivors who suffered – a list of lists, a necessary prerequisite to fulfilling the goals of the Court. In addition to this basic work, which includes mining the records of the International Tracing Center, there were the following developments:

- Yad Vashem brought together under the auspices of the European Holocaust Research Infrastructure (EHRI) the main specialists on names projects from the former Soviet Union, Poland, and Hungary-Romania – the areas where the percentages of still unidentified victims are greatest – such as the state archivist of Belarus and the persons responsible for the database of Soviet soldiers killed or missing in action in World War II, who are knowledgeable about previously classified information. Yad Vashem decided to include in its Central Database of Shoah Victims' Names the names of Jewish soldiers in the Soviet Army who were killed or were missing in action, though it is still debating precisely how to do this, since not all such persons can be considered genocide victims. There is also now more use of birth and marriage records that have no direct relation to the Holocaust but which provide material on the basis of which it is possible to come to the research conclusion that a given individual was in fact a victim. In general there is movement from simply using lists to viewing the compilation of the names as a research project.
- Under the guidance of the Executive Director of the Victim List Project, a draft catalog was produced of all the known archives of compensation, restitution, and reparations organizations. Although the almost 200 sources listed hold materials that are not open due to privacy considerations, it is important for the sake of completeness that Yad Vashem and the U.S. Holocaust Memorial Museum have such a catalog for future reference. While the holdings of such sources are primarily valuable in regard to those who survived, it is likely that, as in the case of the Initial Questionnaires of the Swiss Banks Settlement, historical information on those who perished may also be found in them.
- The networking of sources within institutions is mirrored by greater networking among institutions. There are now a number of websites of websites and networking projects that are making the resources of relevant institutions more accessible. In addition to progress by the European Holocaust Research Infrastructure (EHRI), financed by the European Union, the year saw the formal launch of the Joint International Project to Extend Access to Records Regarding Holocaust-Era Looted Cultural Property that includes the national archives and other archives of a growing number of countries. In addition, the Claims Conference created a Holocaust Audio-Visual Testimonies Partnership to identify, preserve, and make accessible the approximately 100,000 audio-visual recordings of survivors that also contain much name information.

***B) Acquisition of the records of the Swiss Banks Settlement itself and creation of access rules***

Among the largest acquisitions of name documentation made possible by the Court has been the transfer of records from the Swiss Banks Settlement itself, in particular the records of the International Organization for Migration (IOM) to the USHMM in 2007 and the transfer of the paper records of the Initial Questionnaires (IQs) to the USHMM during 2008. In 2009, the electronic version of the Initial Questionnaires (IQs) was also transferred to the USHMM. In 2010, there were discussions concerning the transfer to the USHMM of the records of the Independent Committee of Eminent Persons (ICEP)-Claims Resolution Tribunal (CRT) and Holocaust Victim Asset Program (HVAP) from Jones Day to the United States Holocaust Memorial Museum, but the transfer was postponed by the USHMM pending agreement on the access terms to all records relating to the Swiss Banks Settlement. In 2011, the CRT claims documentation held in Zurich was transferred to the USHMM, and extensive progress was made towards reaching agreement on the access terms to all records relating the Swiss Banks Settlement. Indeed, it can be anticipated that a recommendation for a Court Order in this regard will very shortly be sent to the Court. In addition, the Ministry of Foreign Affairs and the State Archives of the Swiss Confederation were brought into the discussion of the disposition of the Swiss banking records used by the CRT, and it is anticipated that as a result, when negotiations are held for copies of those banking records to be kept together with the CRT claims documentation in accordance with archival practice, they should successfully address the desires of all concerned.

***C) Mass digitization of the individual names of the victims of the Nazis and their allies***

At the end of 2010, Yad Vashem announced that with the assistance of the Court, it had documented approximately 4 million of the approximately 6 million individual Jewish victims who certainly or most probably lost their lives during the Shoah. As of the end of 2011, Yad Vashem has in its database available over the internet that contains the names only of those who perished, approximately 4.7 million name occurrences referring to some 4.1 million individual Jewish victims. However, in its internal database that contains the names both of those who perished and those who survived, Yad Vashem now has a total of approximately 6.6 million name occurrences. In other words, there are some 1.9 million name occurrences that come from lists known to include survivors but that in many cases also include names of those who were murdered. Confronted with the greater difficulty of identifying the remaining names of those who perished and realizing more and more that the entire enterprise is an enormous research project rather than simply a listing of names, Yad Vashem is currently in the process of revising its databases so as to make everything public, with an indication of which persons are in its professional opinion clearly among the six million who perished.

At the end of 2011, the Claims Conference successfully negotiated for payments by the Government of Germany to go to those persons who were within 100 kilometers of the area of Nazi occupation and who consequently fled for their lives. As a result, there is now a need for documentation of persons from such cities as Moscow, Leningrad, and Stalingrad who were in the vast Soviet evacuation. I am pleased to report that as a result of the Victim List Project of the Swiss Banks Settlement, much of the needed

documentation is at Yad Vashem and the USHMM, and much of it – though not all - has been individually digitized, which means that as an indirect result of the Court's assistance, tens of thousands of elderly claimants will now be helped.

***D) Expenditure of Victim List Project funds to date and future funding considerations***

Of the \$10 million set aside for the Victim List Project, \$9.95 million has been allocated thus far – \$6.61 million to Yad Vashem and \$3.34 million to the U.S. Holocaust Memorial Museum – and only \$49 thousand remains. Attached please find a list of the specific amounts by the date of the relevant Court orders.

As the Court is aware, for a number of years now, my communications have predicted that, while the names of the non-Jews would be covered, it unfortunately will not be possible to cover the names of the Jews within the confines of the original \$10 million allotted. The Claims Conference has been able to make a bridge grant and a loan to Yad Vashem so that Yad Vashem can retain its expert staff a while longer with the hope that additional funds can be identified. Ideally additional funds would be identified not only for the completion of work by Yad Vashem on historical-archival records in regard to the six million Jews who perished, but also in regard to the acquisition by the USHMM and Yad Vashem of additional large-scale documentation of Jewish survivors who went East (Soviet evacuees and others) and digitization by the two institutions of the individual names from that documentation.

***E) Administrative budget for January 1, 2012-June 30, 2012***

The administrative budget through June 30, 2012 is needed

- To monitor the ongoing work by the USHMM under funds that remain open from grants by the Court;
- To maintain communication and coordination among Yad Vashem, the USHMM, the International Tracing Service, and other institutions (including but not limited to the European Holocaust Research Infrastructure and the Task Force for International Cooperation on Holocaust Education, Remembrance and Research);
- To complete the establishment of access rules in regard to the records of the Swiss Banks Settlement held at the United States Holocaust Memorial Museum;
- To complete arrangements with the government of the Swiss Confederation and to carry out other activities in regard to the archiving of the records of the Swiss Banks Settlement;
- To report on the Victim List Project and, if deemed appropriate by the Court, to publicize the results of the Victim List Project (the Associated Press, among others, has expressed interest).

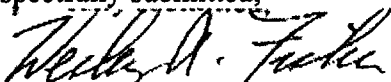
Attached please find an administration expense budget for the period January 1, 2012 through June 30, 2012 totaling \$85,275. The budget is for personnel and travel and meeting costs only. The personnel and travel and meeting costs are necessary in order to ensure the success of what is a complex international project involving cooperation and coordination among a large number of institutions and organizations.

Attached also please find an administration budget report for the period January 1, 2011 to December 31, 2011.

As per arrangement with the Court, the administration of the Victim List Project is being housed at the Claims Conference.

For the Court's convenience, I have prepared a draft order approving the budget.

Respectfully submitted,



Wesley A. Fisher

Cc: Judah Gribetz, Special Master  
Shari C. Reig, Deputy Special Master  
Greg Schneider, Executive Vice President, Conference on Jewish Material Claims  
Against Germany

**ATTACHED:**

List of Allocations to Yad Vashem and the USHMM by date of Court order  
Victim List Project 2011 Administration Budget Spending Report (Preliminary)  
Victim List Project 2012 Proposed Administration Budget  
Proposed Court Order – Victim List Project 2012 Proposed Administration Budget

Date: March 7, 2012

**Allocations to date to Yad Vashem and the United States Holocaust Memorial Museum from the \$10 million set aside for the Victim List Project of the Swiss Banks Settlement**

**Yad Vashem:**

Court order 7/30/2004	\$ 760,000.00
Court order 3/15/2005	1,000,000.00
Court order 6/23/2006	935,000.00
Court order 6/5/2007	1,210,000.00
Court order 9/17/2008	1,000,000.00
Court order 2/29/2009	1,000,000.00
Court order 5/13/2010	700,000.00
<b>Subtotal</b>	<b>\$6,605,000.00</b>

**USHMM:**

Court order 11/16/2004	\$ 339,781.00
Court order 7/15/2005	118,800.00
Court order 3/23/2006	681,272.00
Court order 5/24/2007 (IOM)	58,108.00
Court order 8/26/2007 (ITS)	250,000.00
Court order 12/5/2007	800,877.00
Court order 2/6/2008 (IQs)	179,825.36
Court order 10/27/2009 (JDC)	242,363.00
Court order 1/30/2010	493,561.00
Court order 6/13/2011 (CRT Zurich)	181,393.00
<b>Subtotal</b>	<b>\$3,345,980.36</b>

<b>Total of grants to date</b>	<b>\$9,950,980.36</b>
<b>Total funds remaining</b>	<b>\$49,019.64</b>



**Victims List Project (VLP)**

**New York Office**

**PROPOSED ADMINISTRATION EXPENSE BUDGET  
FOR PERIOD  
JANUARY 1, 2012 - JUNE 30, 2012**

<u>EXPENSES</u>	<u>Period Ended</u>	
	<u>June 30, 2012</u>	
	<u>(Proposed Budget)</u>	
Wages and Benefits	\$	80,150
Travel & Meetings		5,125
Office Expense		-
Rent & Electric		-
Office Equipment/Computers		-
Professional Fees		-
Other		-
<b>TOTAL EXPENSES</b>	<b>\$</b>	<b>85,275</b>

All OTPS (other than Travel & Meetings) will be borne by the Claims Conference

## Victims List Project (VLP)

## New York Office

**PRELIMINARY ADMINISTRATION EXPENSE BUDGET REPORT  
FOR PERIOD  
JANUARY 1, 2011 - DECEMBER 31, 2011**

BUDGET	January 1, 2011 to December 31, 2011 (Approved Budget)	Payments to Date January 1, 2011 to December 31, 2011 ( Preliminary )	To Date Payments As % Of Budget	Unexpended Balance at December 31, 2011
Wages and Benefits	\$ 159,300	\$ 159,300	100.0%	\$ -
Travel & Meetings	21,100	21,100	100.0%	-
Office Expense	-	-	0.0%	-
Rent & Electric	-	-	0.0%	-
Office Equipment/Computers	-	-	0.0%	-
Professional Fees	-	-	0.0%	-
Other	-	-	0.0%	-
<b>TOTAL EXPENSES</b>	<b>\$ 180,400</b>	<b>\$ 180,400</b>		<b>\$ -</b>

All OTPS (other than Travel & Meetings) will be borne by the Claims Conference